Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

2       85th General Assembly <b>FA D111</b> 3       Regular Session, 2005       HOUSE BILL 1035         4       By: Joint Budget Committee       10         5       By: Joint Budget Committee       10         6       For An Act To Bc Entitled       10         7       8       For An Act To Bc Entitled         8       AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL       10         10       SERVICES AND OPERATING EXPENSES FOR THE ARKANSAS         11       BOARD OF HEARING INSTRUMENT DISPENSERS FOR THE         12       BIENNIAL PERIOD ENDING JUNE 30, 2007; AND FOR         13       OTHER FURPOSES.         14       15         15       Subtitle         16       Subtitle         17       AN ACT FOR THE ARKANSAS BOARD OF         18       HEARING INSTRUMENT DISPENSERS         19       APPROPRIATION FOR THE 2005-2007         10       BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:         22       SECTION 1. EXTRA HELP. There is hereby authorized, for the Arkansas Board         23       SECTION 1. EXTRA HELP. There of the 2005-2007 biennium, the following         24       maximum number of part-time or temporary employees, to be known as "Extra         18       Help", payable f	1	State of Arkansas	A D;11						
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36 Instrument Dispensers, for personal services and operating expenses of the		-			-				



Arkansas Board of Hearing Instrument Dispensers for the biennial period
 ending June 30, 2007, the following:

4	ITEM		FISCAL YEARS			
5	NO.		2005-2006		2006-2007	
6	(01) EXTRA HELP	\$	14,000	\$	14,000	
7	(02) PERSONAL SERVICES MATCHING		1,079		1,071	
8	(03) MAINT. & GEN. OPERATION					
9	(A) OPER. EXPENSE		9,344		9,344	
10	(B) CONF. & TRAVEL		0		0	
11	(C) PROF. FEES		700		700	
12	(D) CAP. OUTLAY		0		0	
13	(E) DATA PROC.		0		0	
14	TOTAL AMOUNT APPROPRIATED	<u>\$</u>	25,123	\$	25,115	

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SECTION 3. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. LEASING
 FROM STATE ARKANSAS BUILDING SERVICES AUTHORITY. The Board of Hearing
 Instrument Dispensers shall be exempt from Arkansas State Building Services
 <u>Authority</u> leasing jurisdiction and procedures as set out in Arkansas Code 22 2-114.

## 22 The provisions of this section shall be in effect only from July 1, 23 <u>2003</u> <u>2005</u> through June 30, <u>2005</u> <u>2007</u>.

24

25 SECTION 4. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS 26 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FUND BALANCES - HEARING INSTRUMENT DISPENSERS CASH FUND. (A) For all 27 28 appropriations as provided in this Act, the agency disbursing officer shall 29 monitor the level of fund balances in relation to expenditures on a monthly 30 basis. If any proposed expenditures would cause the Hearing Instrument Dispensers Cash Fund to decline below \$6,569.00, the disbursing officer shall 31 32 immediately notify the executive head of the agency. Prior to any 33 obligations being made under these circumstances, the agency head shall file 34 written documentation with the Chief Fiscal Officer of the State requesting 35 approval of the expenditures. Such documentation shall provide sufficient 36 financial data to justify the expenditures and shall include the following:

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1 1) a plan that clearly indicates the specific fiscal impact of such 2 expenditures on the fund balance.

2) information clearly indicating and explaining what programs would be cut 3 4 or any other measures to be taken by the agency to restore the fund balance. 5 3) the extent to which any of the planned expenditures are for one-time costs 6 or one-time purchase of capitalized items.

7 4) a statement certifying that the expenditure of fund balances will not 8 jeopardize the financial health of the agency, nor result in a permanent 9 depletion of the fund balance.

The Chief Fiscal Officer of the State shall review the request and 10 (B) 11 approve or disapprove all or any part of the request, after having sought 12 prior review by the Legislative Council.

13 The provisions of this section shall be in effect only from July 1, 2003 14 2005 through June 30, <del>2005</del> 2007.

15

16 SECTION 5. EMPLOYMENT OF ATTORNEYS. None of the funds appropriated in 17 this Act for Maintenance and General Operation shall be expended in payment for services of attorneys, unless the agency shall first make a request in 18 19 writing to the Attorney General of the State of Arkansas to provide the required legal services. The Attorney General's Office shall provide the 20 21 requested legal services, or, if the Attorney General's Office shall 22 determine that sufficient personnel are not available to provide the 23 requested legal services, the Attorney General shall certify the same to the 24 agency and may authorize the agency to employ legal counsel and to expend 25 monies appropriated for Maintenance and General Operations therefor, if:

26 The Attorney General determines, and certifies in writing, that such (1) 27 agency needs the advice or assistance of legal counsel, and

28 The Attorney General consents in writing to the employment of the (2) 29 legal counsel to be retained by the agency.

30 Such certification shall be required with respect to each instance of the employment of special legal counsel, or shall be required annually with 31 32 respect to legal counsel employed on a retainer basis. A copy of such 33 certification shall be entered in the official minutes of the agency, and 34 shall be retained in the fiscal records of the agency for audit purposes. 35 36

SECTION 6. COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized

3

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1 by this act shall be limited to the appropriation for such agency and funds 2 made available by law for the support of such appropriations; and the 3 restrictions of the State Procurement Law, the General Accounting and 4 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary 5 Procedures and Restrictions Act, or their successors, and other fiscal 6 control laws of this State, where applicable, and regulations promulgated by 7 the Department of Finance and Administration, as authorized by law, shall be 8 strictly complied with in disbursement of said funds.

9

10 SECTION 7. LEGISLATIVE INTENT. It is the intent of the General Assembly 11 that any funds disbursed under the authority of the appropriations contained 12 in this act shall be in compliance with the stated reasons for which this act 13 was adopted, as evidenced by the Agency Requests, Executive Recommendations 14 and Legislative Recommendations contained in the budget manuals prepared by 15 the Department of Finance and Administration, letters, or summarized oral 16 testimony in the official minutes of the Arkansas Legislative Council or 17 Joint Budget Committee which relate to its passage and adoption. 18

19 SECTION 8. EMERGENCY CLAUSE. It is found and determined by the General 20 Assembly, that the Constitution of the State of Arkansas prohibits the 21 appropriation of funds for more than a two (2) year period; that the effectiveness of this Act on July 1, 2005 is essential to the operation of 22 23 the agency for which the appropriations in this Act are provided, and that in the event of an extension of the Regular Session, the delay in the effective 24 date of this Act beyond July 1, 2005 could work irreparable harm upon the 25 26 proper administration and provision of essential governmental programs. 27 Therefore, an emergency is hereby declared to exist and this Act being 28 necessary for the immediate preservation of the public peace, health and 29 safety shall be in full force and effect from and after July 1, 2005. 30 31 32 33 34

36